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Telephone: 510-357-8050 Fax: 510-357-8053

Date 9/23/05

Number of pages 5 (including cover page)

To:

Name Dmitry Suhol

Company Art Unit 3125

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From:

Name Kenneth Barker

Company 10/608,977

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Comments _____

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Dmitry Suhol
Examiner
Art Unit 3725
U.S. Patent and Trademark Office

Kenneth Barker
15660 Cranbrook St.
San Leandro, CA 94579

September 22, 2005

Dear Dmitry,

Thank you for your pleasant manner and for taking the time to answer my questions during our phone conversation (9/20/05). Included in this material are three additional claims for Application Number 10/608,977. I am certainly open to your critique and suggestions.

Aside from the use of wording which was inexact and inappropriately used, my understanding is that you rejected claims 1-14 since Sprague '566 discloses an alphabetic flipbook which has many of the features found in my invention. However, Shapiro et al. '503 were granted a patent presumably because their flipbook had features which represented an improvement over prior art. My hope is that by pointing out three structural elements of the flipbook I've developed, you may look favorably upon its patentability as well.

You cautioned that imprinting unique indicia is not sufficient for this. I also understand that developing an instructional methodology which utilizes previously known flipbook features will not pass the unobviousness test. Accordingly, these three elements are structural innovations, new to this type of teaching aid. They increase the number of ways a flipbook can be constructed and provide an expanded format for both displaying indicia and indicating the relationships between various sets of the indicia displayed.

The first of these is the use of both top and side bindings on the same backing board with their attached sets of pages being aligned in such a way that, rotating about their respective bindings, individual pages from two separate sets can cover one another. In the present case, a [CVC] word can be formed (as with other flipbooks) by vertically rotating pages from among three top-bound sets. In my patent application, I wrote about a student who struggled with the concept of replacing a beginning or ending consonant with a consonant blend. Both his classroom teacher and school reading specialist had tried to help him learn that adding *s* to *pot* changes it to *spot*. This somewhat oversimplifies his reading problem but while he could easily read *led*, words like *fled*, *mast*, and *sprung* were quite problematic. If I had merely utilized the *s* from an additional set of top-bound pages, or even replaced the *p* with a top-bound page displaying *sp*, he might not have made such a dramatic gain in reading and spelling

ability. However, having manipulated top-bound flipbook pages to form familiar words, he then saw a completely different set of pages rotated horizontally from behind the backing board. Now, covering the *p* page with an *sp* page made more sense, especially since it rotated along the same axis as one experiences when reading. After building and manipulating a number of similar words with the flipbook we branched out to other instructional activities in order to reinforce this student's new-found understandings. Having flipbook pages which rotate from the side, as well as others which rotate from the top, helped initiate a breakthrough that amazed his teacher and reading specialist.

Another new element covered in my patent application is the stacking of three distinct sets of pages, having graduated lengths, in the center top-bound position of the flipbook. With regards to word structure the sets of single vowel pages, *r*-controlled vowel pages, and vowel team pages are closely related – yet they are quite different orthographically. Having the three sets of pages in the center portion of the flipbook denotes a different relationship among their indicia than side pages which can cover one another vertically or horizontally.

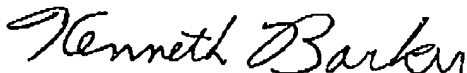
A third new element involves detachable portions of the flipbook. Sprague '566 discloses a support leg,

An aperture 18 is provided centrally of the support board 17 underneath the ring binder 11 for removably receiving a support leg 19 such as of tubular plastic and having a beveled surface 20 at the free end thereof.

The support leg can also be utilized as a handle for that apparatus. The attachment rods specified in my application function differently. They extend the flipbook, to the left and right, beyond its backing board. Two of these attachment rods hold single pages. Two others have a unique binding which allows pages to vertically rotate about them. The ability to join or disconnect the prefix and suffix pages from the rest of the flipbook is instructionally important. Being able to attach and detach the "marvelous *e*" page is just as essential as having both top and side bindings. Changing *pin* to *pine* and *rate* to *rat* quickly familiarizes students with silent *e*. Also, that only one attachment rod can be affixed to the right receptacle at a time helps students learn about changing *come* to *coming*.

Though I've developed this flipbook and associated parts while remediating numerous students, my inexperience at writing patent claims is obvious. Again, I would greatly appreciate your suggestions and consideration. Owing to the lateness of the date, I will fax this material to you. However, to insure that it reaches you I will also mail a duplicate copy.

Sincerely,



Kenneth Barker